

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
Universal Service Reform- Mobility Fund)	WT Docket No. 10-208
)	

REPLY COMMENTS OF DEERE & COMPANY

Deere & Company (“Deere”) hereby submits these brief reply comments in response to the Further Notice of Proposed Rulemaking (“FNRPM”) in the above-captioned docket.¹ Deere is gratified that the comments to the FNRPM reflected a broad appreciation of the importance of implementing a robust challenge process as an important means of identifying those rural areas of the country that should be eligible for Mobility Fund II support.² As Deere expressed in its comments, this process is especially important for the prospect of bringing 4G LTE to underserved and unserved areas of precision agricultural operations on cropland and ranchland.

Overall, Deere urges the Commission to adopt rules and procedures that enable broad participation in the challenge process and establish flexible requirements for challenging parties to assess and identify mobile coverage concerns not reflected in the Commission’s initial assessment of eligible areas. As expressed by many in the comments, Deere agrees that the Commission must be mindful of the financial, resource, and other burdens placed on both

¹ *Connect America Fund; Universal Service Reform – Mobility Fund Phase II*, Report and Order and Further Notice of Proposed Rulemaking, FCC 17-11 (rel. Mar. 7, 2017) (*MF-II R&O and FNPRM*). These comments are being submitted in the revised filing periods identified in *Connect America Fund; Universal Service Reform – Mobility Fund Phase II*, Order, DA 17-347 (rel. Apr. 11, 2017).

² *Id.*

challenging and challenged parties in this process.³ Certainly, the Commission’s Rules should not be so burdensome so as to discourage participation or effectively nullify the meaningful opportunity to identify areas that should be deemed eligible for Mobility Fund II funding. Burdens and resources of challenged parties should also be considered, although in developing the rules, the Commission must take into account that service providers, as compared to challenging parties, have far greater access to information and resources regarding coverage, facilities, testing and the like.

Deere joins with the Competitive Carriers Association (“CCA”) specifically in support of broad-based access and participation in the challenge process.⁴ All interested parties – not just subsidized carriers or state and local authorities – should be able to participate. In this regard, neither Option A, nor Option B outlined in the FNPRM should be adopted.⁵ Although some limitations were proposed in the comments, there was little attention paid to any public interest or even practical reasons that would justify denying a challenge from an interested stakeholder that may not fit a proposed narrow definition. Accordingly, the Commission should not adopt a “standing” requirement for businesses, as proposed by the Rural Wireless Association (“RWA”), that would preclude participation unless a party could demonstrate that it has a “premise” in the challenged area as proven by a “lease, utility bill or business license that depicts the business

³ See, e.g., Comments of the Competitive Carriers Association, WC Docket Nos. 10-90, 10-208, at 16 (filed April 26, 2017) (“*CCA Comments*”) (recommending that the Commission be mindful of the personnel and financial resources necessary for challenging and challenged parties to comply with Commission procedure and adequately provide substantive evidence).

⁴ See *CCA Comments*.

⁵ Option A states that only a carrier submitting a challenge within its licensed area or a state or local government submitting a challenge within its jurisdiction should be permitted to participate. Option B would allow only “service providers and governmental entities located in or near the relevant areas” to participate. *MF-II R&O and FNPRM*, at paras. 233 and 242. See Comments of Deere & Company, WC Docket Nos. 10-90, 10-208, at 4-5 (filed April 26, 2017), for the discussion recommending that the Commission not adopt the limits of Option A and Option B.

address in the Challenged Area).”⁶ A rule imposing such prerequisites would not accurately capture all entities interested in ensuring that the list of eligible areas is corrected to identify areas in need of and qualifying for Mobility Fund II support. For example, there are businesses that may not have a premise (as defined) in the challenged area but nonetheless are interested in and committed to participating in the challenge process and the eventual deployment of mobile broadband in the subsidized area. One example is an agricultural supplier or other enterprise that is a stakeholder promoting mobile broadband deployment to specific agricultural areas in order to feed the nation, but may not itself maintain a premise (as defined).

With respect to whether a minimum area should be designated for challenges, Deere agrees with both CCA and RWA that challenges should be accepted for area sizes less than a census block area.⁷ In the interest of avoiding arbitrary cut-offs denying rural areas deserving of mobile broadband service support, Deere agrees with CCA that the Commission’s Rules should not specify a minimum size.⁸

Deere agrees that a challenging party should be able to certify that an area is unserved based on a good faith belief, based on actual knowledge or past data collection, that there is no 4G LTE with at least 5 Mbps download speed and 1 Mbps upload speed.⁹ Deere agrees with CCA that the Commission’s Rules should not mandate that challengers develop a specific type of

⁶ Comments of the Rural Wireless Association, Inc., WC Docket Nos. 10-90, 10-208, at 3 (filed April 26, 2017) (“*RWA Comments*”).

⁷ See *CCA Comments*, at 6-7 (noting that by excluding areas based solely on their size, the Commission risks excluding coverage around important resources such as roads, public institutions, or agricultural operations); see also *RWA Comments* at 4 (recommending that the specific challenge area may be for a partial census block or full census block(s)).

⁸ See *CCA Comments*, at 8-9 (“[T]he Commission should decline to adopt a minimum size for the area initially challenged.”).

⁹ See *id.* at 9 (“[T]he Commission should permit challenges from any interested party who has a good faith belief, based on actual knowledge or past data collection, that there is not 4G LTE with at least 5 Mbps download speed coverage as depicted on Form 477.”)

supporting information (e.g., particular drive test results, engineering analyses, propagation maps, etc.) as long as the information supports the challenging party's good faith belief.¹⁰ A rule defining a single type of supporting information may call for information that is not the most cost- or resource-effective to develop or even probative of demonstrating the lack of coverage, given that challenged areas will vary widely based on size, shape, topography of the area targeted, etc.

If a challenged party disagrees with a challenge, it then should have the burden to respond. This process fairly distributes the responsibility for providing information given that service providers are already in possession of network and service data necessary to confirm whether and to what extent service may be available on its own network.

The comments included suggestions for a wide range of requirements to develop data to prove/disprove coverage and eligibility. Again, Deere urges the Commission to err on the side of accepting the submission of a broad set of data in this examination. Both the challenging and challenged parties in any given area may not be able to develop particular data in a cost-effective or reliable manner, and the rules should allow parties to make reasonable decisions tailored to the particular challenged area.

The Commission should accept drive test data but not require it.¹¹ In that regard, Deere appreciates RWA's proposal to conduct a coverage test by collecting samples not only on major county roads, but also in "other statistically representative locations that would adequately

¹⁰ See *id.* at 13-14 ("The Commission should provide sufficient flexibility with respect to the type of supporting documentation that a challenger may provide.").

¹¹ See *id.* at 17-18 (noting that drive test data is valuable, but that drive testing should neither be a mandatory method of collection, nor be characterized as the only suitable data collection method.)

represent the customer experience.”¹² If the Commission were to adopt this aspect of the RWA proposal, it should make clear in revised language that the test will evaluate coverage in those other (non-road) locations:

“If 10 percent of the roads driven **and other statistically representative locations** do not have service at the requisite speeds, then the area is considered unserved. If 90 percent of all the area’s roads **and other statistically representative locations** have service at the requisite speeds, then the coverage is considered adequate.”

Similarly, RWA’s proposed language should be further revised to provide that the map showing results of such testing “shall include shape files showing the roads driven/**other areas tested** and point marked on the road/**other areas tested** where the test passed in green or failed in red.”¹³

A rule incorporating this modified language would be consistent with the Commission’s decision to assess coverage and eligibility on the basis of geographic areas rather than road miles, a decision that recognizes the public need for mobile broadband coverage in “business locations, recreation areas, work sites, and agricultural spaces.”¹⁴

Deere also urges the Commission to accept data from applications on consumer devices. The method of collecting such data should be examined to assess the extent to which it is a credible, reliable, and complete depiction of actual coverage in the challenged area.

Propagation maps submitted by challenged carriers must be subject to specific conditions, including signal strength and resolution requirements. Deere notes the agreement expressed in the comments that propagation maps should depict a minimum signal strength of -85 dBm.¹⁵

Actual speeds should be measured at appropriate intervals to demonstrate coverage or lack

¹² RWA Comments, at 6.

¹³ Revising language proposed by RWA. *Id.* at 6-7.

¹⁴ MF-II R&O and FNPRM, at para. 42.

¹⁵ See e.g. CCA Comments, at 15 (“CCA reiterates that a signal strength threshold is essential... [i]n CCA members’ experience, minimum signal strength of -85 dBm reasonably reflects what consumers would consider “good” performance.”)

thereof. Deere agrees with CCA that a reasonable map resolution of 100 meters or better for coverage shapefiles will be necessary to examine the purported coverage of challenged areas.¹⁶

Conclusion

Deere appreciates the Commission's efforts to accelerate deployment of advanced telecommunications services to rural areas including to agricultural areas through the Mobility Fund II and encourages consideration of the specific recommendations for the challenge process described in these reply comments.

Mark N. Lewellen
Manager, Spectrum Policy
Deere & Company
801 17th Street, N.W., Suite 200
Washington, DC 20006

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Respectfully submitted,

/s/

Catherine Wang
Stephany Fan
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004
Tel. (202) 739-3000
Fax (202) 739-3001
Counsel for Deere & Company

¹⁶ See *CCA Comments*, at 15 (recommending that the Commission should adopt a standard resolution of 100 meters or better for shapefiles submitted as propagation maps).